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Kevin McCarthy

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EXAMINER

PESIN, BORIS M

ART UNIT

PAPER NUMBER

2174

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DELIVERY MODE

01/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/940,484 | MCCARTHY, KEVIN | |
| | Examiner | Art Unit | |
| | BORIS PESIN | 2174 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-29 and 34-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-29 and 34-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This communication is responsive to the amendment filed 10/26/2007.

Claims 19-29 and 34-43 are pending in this application. Claims 37, 38, 42, and 43 are independent claims. In the amendment filed 10/26/2007, claims 37, 38, 42, and 43 were amended. This action is made Non-Final.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/26/2007 has been entered.

Claim Objections

Claims 21-29, 34-36 are objected to because of the following informalities:

Each of the objected claims recite, "acc ording." There appears to be an extra space between those two words.

Appropriate correction is required.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Claim 42 states, "computer readable storage media"; however, there is no mention nor a definition of computer readable storage media in the specification as filed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19, 20 and 37-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumar (US 5648760) in view of King et al. (US 6011554) further in view of Tattari (US 5265158)

In regards to claim 37, Kumar teaches a device, comprising:

a control unit (Column 7, Lines 13-32, unit 11, and Figure 8, Element 23);

a reminder application stored in memory, said reminder application notifying the user about the occurrences of one or more timed events, where each timed event has an associated reminder text label and a date and time for the reminder (See Figure 8 showing the memory, and Column 7 Line 60 – Column 8 Line 10 cause and effect mode);

a clock application stored in memory, said clock application controlled by the control unit for providing clock information to the reminder application (Column 7 Line 60 – Column 8 Line 10, and Column 7, Lines 8-10);

a user interface including a display (Column 7, Lines 13-32 and Figure 2, Element 50);

the reminder application, when activated uses a text editor from a message application of the device (See Column 6, Lines 51-52, messages may be inputted via alphanumeric keys, thus there is inherently some sort of text editor where the user is able to enter information) to provide a text editor window into which the user through the user interface enters a reminder text label, and a time entry window in which the user through the user interface enters a date and time associated with the reminder text label (Column 6, Lines 48-55), the control unit adapted to execute time comparison between the clock information and the time set for said events, and to control the issuance of a reminder alert to an intended user once the clock information from the clock application matches the time set for one of said events, the device not having a calendar application that provides for display of series of pages showing dates (Column 7, Lines 13-32, "compare" and Column 6, Line 56, "triggering causes including a preselected time").

Kumar does not specifically teach entering characters via an alphanumeric key pad of the device and entering date and time information via the alphanumeric key pad. King teaches entering characters via an alphanumeric key pad of the wireless mobile communication terminal and entering time information via the alphanumeric key pad (See Figure 1B). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kumar with the teachings of King and include an alphanumeric keypad for entering text with the motivation to provide the user a simpler

method of entering data because tactile keys are easier for many users to use than touchscreens input (ala Kumar).

Kumar and King do not teach a mobile telephone device. However, Kumar does teach a handportable wireless communication terminal that is able to store information (Column 7 Line 60 – Column 8 Line 10, and Column 7, Lines 8-10). Tattari teaches a mobile telephone unit (See Figure 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kumar and King with the teachings of Tattari and include phone functionality in their invention with the motivation to provide the user with greater portability options and allow the user greater flexibility in reaching his contacts.

As per claim 19, Kumar-King-Tattari teach a clock application providing real time clock information to the reminder application, and said reminder application displays a reminder note when the real time clock has reached the reminder time (Kumar Column 7 Line 60 – Column 8 Line 10, and Column 7, Lines 8-10).

As per claim 20, Kumar-King-Tattari teach that the reminder application provides the user access to add new reminders, view all existing reminders, and erase existing reminders (Kumar Column 7 Line 51 – Column 8 Line 22).

Claims 38, 42, and 43 are similar in scope to claim 37; therefore they are rejected under similar rationale.

In regards to claim 39, Kumar-King-Tattari teach wherein the reminder application is activated (Kumar Column 6, Lines 48-55).

In regards to claim 40, Kumar-King-Tattari teach teaches wherein the control unit executes time comparison between the clock information and the time set for said events (Kumar Column 7, Lines 13-32).

In regards to claim 41, Kumar-King-Tattari teach wherein the control unit controls the creation of a reminder alert to the intended user once the clock information from the clock application matches the time set for one of said events (Kumar Column 7 Line 60 – Column 8 Line 10, and Column 7, Lines 8-10).

Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumar-King-Tattari further in view of Alperovich et al. (US 6119014) further in view of Nokia 6100 User's Guide, 9351506, Issue 2

("Nokia," http://nds1.nokia.com/phones/files/guides/6110_usersguide_en.pdf, June 7th, 1998).

As per claim 21, which is dependent on claim 37, Kumar-King-Tattari teach all the limitations of claim 37. Kumar and King do not teach that the reminder application allows the user to transmit the reminder to a remote communication terminal via a wireless communication network. However Kumar does teach the use of a modem to transfer information (Column 8, Lines 27-33). Alperovich teaches, "The SMS Service Center 360 can have a SMS-org application 370 located therein, which can receive the SMS messages 320 and associated reminder indicators 315 from the originating subscriber 380 and store them in a memory 375 within the SMS Service Center 360 until the time associated with the reminder indicator is reached. Thereafter, the SMS

Service Center 360 can send the SMS message 320 to the MS 300 for display on the MS display 304.” (Column 4, Line 66). It would have been obvious to one of ordinary skill in the art to modify Kumar-King-Tattari with the teachings of Alperovich and include a reminder transmitting mechanism to other units with the motivation to provide the user with a convenient method of reminding others of tasks that need to be accomplished (See Column 3, Line 15).

Kumar-King-Tattari-Alperovich do not teach a terminal wherein the reminder application upon receiving instructions to send a reminder requests the user to enter a phone number of the remote communication terminal which is to receive the reminder. Nokia teaches a terminal wherein the reminder application upon receiving instructions to send a reminder requests the user to enter a phone number of the second communication terminal which is to receive the reminder (page 53, column 2, lines 1-4). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kumar-King-Tattari-Alperovich with the teachings of Nokia and include a way of requesting the user to enter a phone number of the remote communication terminal which is to receive the reminder with the motivation to provide user a convenient method of contacting other users.

As per claim 22, which is dependent on claim 18, Kumar-King-Tattari-Alperovich and Nokia teach all the limitations of claim 21. Nokia further teaches a terminal wherein the reminder application allows the user to search for the phone number of the remote communication terminal in an internal phone number database of the transmitting

terminal (page 20, column 1, lines 16-24, *user can search a phone number database to find phone numbers*).

As per claim 23, Kumar-King-Tattari-Alperovich and Nokia teach all the limitations of claim 21. Nokia further teaches that the reminder application allows the user to inspect a reminder received from a remote communication terminal via a wireless communication network (page 53, column 2, lines 1-5, *reminders can be sent as messages* and page 32, column 1, lines 6-15, *messages can be received on handportable device*).

As per claim 24, Kumar-King-Tattari-Alperovich and Nokia teach all the limitations of claim 21. Nokia further teaches that the reminder application furthermore allows the user to save or discard a reminder received from a remote communication terminal (page 32, column 2, lines 7-10 and page 32, column 1, lines 15-25).

Claims 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumar-King-Tattari-Alperovich-Nokia further in view of Mercer et al. ("Mercer," US006167429A).

As per claim 25, which is dependent on claim 21, the teachings of Kumar-King-Tattari-Alperovich-Nokia in regards to claim 21 have been discussed above. Kumar-King-Tattari-Alperovich-Nokia do not explicitly disclose that the reminders are transferred via the wireless communication network included in a message according to the Smart Messaging Specification.

Mercer teaches that the reminders are transferred via the wireless communication network included in a message according to a smart messaging specification (column 1, lines 38-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kumar-King-Tattari-Alperovich-Nokia with a means to send communications according to the Smart Messaging Specification, as taught by Mercer, with the motivation to enable access to a range of text based services from a mobile phone and therefore provide the user with more options for communication (column 1, lines 41-42).

Claims 26-29 are similar in scope to claim 25, and are therefore rejected under similar rationale.

Claims 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumar (US 5648760) in view of King et al. (US 6011554) further in view of Alperovich et al. (US 6119014).

In regards to claim 34, Kumar-King-Tattari teach all the limitations of claim 37. They do not teach a method comprising the step of transmitting the reminder to a remote communication terminal via a wireless communication network. However Kumar does teach the use of a modem to transfer information (Column 8, Lines 27-33). Alperovich teaches, "The SMS Service Center 360 can have a SMS-org application 370 located therein, which can receive the SMS messages 320 and associated reminder indicators 315 from the originating subscriber 380 and store them in a

memory 375 within the SMS Service Center 360 until the time associated with the reminder indicator is reached. Thereafter, the SMS Service Center 360 can send the SMS message 320 to the MS 300 for display on the MS display 304.” (Column 4, Line 66). It would have been obvious to one of ordinary skill in the art to modify Kumar-King-Tattari with the teachings of Alperovich and include a reminder transmitting mechanism to other units with the motivation to provide the user with a convenient method of reminding others of tasks that need to be accomplished (See Column 3, Line 15).

In regards to claim 35, Kumar teaches that the clock application provides real time clock information to the reminder application and the reminder application displays a reminder note when the real time clock has reached the reminder time (Column 7 Line 60 – Column 8 Line 10, and Column 7, Lines 8-10).

In regards to claim 36, Kumar teaches that wherein the reminder application provides the user access to add new reminders, view all existing reminders and erase existing reminders (Column 7 Line 51 – Column 8 Line 22).

Response to Arguments

Applicant's arguments filed 10/26/2007 have been fully considered but they are not persuasive.

The Applicant argues that the prior art cited does not teach "a reminder application, when activated, uses a text editor from a message application..." The

Examiner respectfully disagrees with the Applicant's arguments. Kumar teaches, "Unit 11 allows for input of messages in a variety of sensory formats including visual by scanning using video processor 80, audio by speaking using audio processor 60, and **alphanumeric by keying or writing using resistive touch panel 50**. Messages may be output and effects selected from among a similar variety of formats, including visual and/or alphanumeric using display 81, and audio by recorded speech using audio processor 60." Column 6, Lines 48-55). Since Kumar teaches entering textual information, he inherently teaches entering information in a text editor. Any inputting of textual data has to be in a "text editor" since the user is able to edit that text. Given that a text editor is not defined explicitly in the specification, the Examiner will interpret it to be any screen where the user enters textual information.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BORIS PESIN whose telephone number is (571)272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2174

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Boris Pesin/
Examiner, Art Unit 2174